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Forty-seventh session
Agenda item 45
QUESTION OF CYPRUS

SECURITY COUNCIL
Forty-eighth year

Letter dated 6 May 1993 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

I have the honour to refer to a letter (A/47/934-S/25688) dated 29 April 1993, addressed to you by the Permanent Representative of Turkey (with an annex) and circulated as a document of the General Assembly, under agenda item 45, and of the Security Council in response to a statement made by the delegation of Cyprus in the Special Committee on Peace-keeping Operations on 23 April 1993.

This is the latest instance of the abuse of the process of circulation of United Nations official documents by the Turkish Mission in the name of the so-called "Turkish Republic of Northern Cyprus", an entity recognized by no member of the international community other than Turkey itself and which was rightly described in Security Council resolution 541 (1983) of 18 November 1983 as "legally invalid" and incompatible with the 1960 Treaties of establishment and the 1960 Treaty of Guarantee. The Security Council, in its resolution 550 (1984) of 11 May 1984, called upon all States "not to facilitate or in any way assist the aforesaid secessionist entity" and, as recently as 25 November 1992, in its resolution 789 (1992), it emphatically reaffirmed the aforesaid resolutions. Yet, once again, we encounter the oxymoron of the Turkish Mission being allowed to abuse the right of a Member State to request the circulation as United Nations documents of communications in the name of that unrecognized entity which the Security Council itself described and continues to regard as secessionist and legally invalid and which it called on all States not to facilitate or in any way assist.

It is said in the annex to the aforesaid letter of the Permanent Representative of Turkey that the Turkish Cypriot side feels compelled to exercise its "right of reply" in writing. Leaving aside the improper mode of referring to my delegation in a manner incompatible with accepted and generally respected United Nations terminology, it is clear to anyone who heard or read the statement of my delegation in the Special Committee on Peace-keeping

Operations on 23 April 1993, that no references whatsoever were made to the Turkish Cypriot community. There were indeed certain references made to Turkey's role in the Cyprus crisis from 1963 onwards, in the context of illustrating our position on United Nations peace-keeping and the United Nations Peace-keeping Force in Cyprus (UNFICYP) in particular, but Turkey was duly represented in the Committee and could have exercised its right of reply if it so wished. Since the Turkish Mission saw fit to adopt the method of airing its views through the circulation of a written document of the Security Council and the General Assembly, we also feel compelled to refute these views and unfounded allegations in the same manner.

In addition to stating our position on the various aspects of the item under discussion in the Special Committee on Peace-keeping Operations, my delegation had stated that we attach great importance to United Nations peace-keeping, the more so since Cyprus is itself a case study of United Nations peace-keeping and a test case of its relevance and effectiveness, as well as of its corollaries of peacemaking and peace-building. We expressed the strong belief that peace-keeping is a collective responsibility in accordance with Article 17, paragraph 2, of the Charter of the United Nations. In the context of the topic of the security of United Nations peace-keeping forces, we stated that "we remember with sadness the fatal casualties caused to peace-keepers in Cyprus in 1974 as a result of the indiscriminate napalm bombing by the invading country's air force". Perhaps it should have been specified that these sad casualties were members of the Austrian United Nations contingent, to whose memory we pay tribute, and that the invading country was, of course, Turkey.

We stated that Cyprus, from the beginning of its existence as an independent State, has consciously made the principles of the Charter central to its foreign policy, as a small and militarily weak State sought the Organization's protection when faced by threats of outside aggression and did not hesitate in giving its consent to the establishment of a United Nations force on its territory. This is a perfectly valid and accurate position. Those who have short memories could be reminded that it was the Government of Cyprus that in its letter of 26 December 1963 to the Security Council (S/5488), sought protection against the Turkish threats and acts of intervention, that it was my Government that invoked the involvement of the Security Council in February 1964 and it was my Government that willingly gave its consent to the establishment and operation of UNFICYP in Cyprus under Security Council resolution 186 (1964) of 4 March 1964.

This, we stressed, was a well conceived and well constructed resolution which stood the test of time. It quite properly referred to the cardinal principle in Article 2, paragraph 4, of the Charter prohibiting the threat or use of force by Member States in their international relations against the territorial integrity or political independence of any State, called upon all Member States, in conformity with their obligations under the Charter, to refrain from any action or threat of action likely to worsen the situation in the sovereign Republic of Cyprus or to endanger international peace; recommended the creation, with the consent of the Government of Cyprus, of UNFICYP; and recommended the appointment of a United Nations mediator "for the purpose of promoting a peaceful solution and an agreed settlement of the problem confronting Cyprus, in accordance with the Charter of the United Nations, having

in mind the well being of the people of Cyprus as a whole and the preservation of international peace and security".

Under the terms of resolution 186 (1964), we stated, there was provision not only for peace-keeping through UNFICYP but also for peacemaking through the efforts of the United Nations mediator. Dr. Galo Plaza, a former President of Ecuador and the mediator appointed under that resolution (following the untimely death of the first mediator, S. Tuomioja of Finland), produced early in 1965 a judicious and balanced report outlining a fair and lasting solution, which if accepted by all parties concerned, as it was accepted by my Government, would have solved the problem in accordance with his terms of reference, which I cited earlier; that is to say in accordance with the Charter of the United Nations, having in mind the well-being of the people of Cyprus as a whole and the preservation of international peace and security. If this had happened, as was the intention of the Security Council, the problem would have been solved already as of that time, and UNFICYP would have been no longer necessary as of 1965. However, the United Nations mediator's report was rejected by Turkey, and the international community took no steps to ensure compliance. This condemned the peacemaking leg under resolution 186 (1964) design to atrophy, while the other leg, that of peace-keeping with UNFICYP, continued on and on since its continued presence was rightly judged still to be necessary. This fact should be remembered by all, and especially those who, with a certain degree of justification, complain that UNFICYP has been in existence for too long a period of time. The Cyprus example, we stressed, is the best proof that an intense effort of peacemaking must be pursued in parallel with every peace-keeping operation. The lesson to be drawn from the Cyprus peace-keeping efforts is that as long as one of the parties concerned is not willing to comply with the dictates of the international community, as spelled out in unanimously adopted and binding resolutions of the Security Council, and as long as the members of the international community are not willing or able to act effectively in order to implement the resolutions for which they voted, peacemaking will lag behind, resulting in the indefinite continuation, if not the perpetuation, of the problem. This is an evidently unsatisfactory situation, unsatisfactory to the Government directly concerned no less than to the contributing countries and to the United Nations. The answer lies not in abandoning the peace-keeping effort, thereby abdicating responsibility and leaving the weak at the mercy of the strong, but in pressing on with effective peacemaking through the implementation of the relevant Security Council resolutions by all available means, so as to reach a workable and viable solution consistent with the principles of the Charter and United Nations resolutions.

My delegation also stated that following the 1974 invasion and the occupation of more than a third of the territory of the Republic of Cyprus by the Turkish armed forces and the resulting situation of "ethnic cleansing" carried out by these forces, the Security Council and the General Assembly unanimously adopted resolutions demanding the immediate withdrawal of the foreign armed forces, the return of the refugees to their homes in safety and respect for the sovereignty, territorial integrity and independence of the Republic of Cyprus. Yet these resolutions remain unimplemented. UNFICYP adjusted its mandate to the new situation, supervised the cease-fire and commendably carried out other functions, including those under the third Vienna Agreement of 1975, to alleviate human suffering resulting from the continued military occupation and the forcible artificial division of the island. Sadly,

nearly two decades later, the Cyprus problem remains unresolved, while UNFICYP faces serious financial and other problems.

Despite the presence and best efforts of UNFICYP, serious incidents are still occurring, and only a few days ago an unarmed 20-year-old Greek-Cypriot soldier was shot and killed by a Turkish soldier in the buffer zone. The facts of this incident are contained in document S/25579, dated 12 April 1993. This latest tragic event reaffirms the need for maintaining the United Nations Peace-keeping Force in Cyprus with its current strength and mandate so as to contain situations which otherwise might get out of control, with unpredictable and serious consequences to peace on the island and in the region.

The problems of the peace-keeping operation in Cyprus are identified and analysed in the latest report of the Secretary-General to the Security Council (S/25492 of 30 March 1993). UNFICYP's role should not be jeopardized by altering its structure or reducing its strength, especially at this critical moment of intense negotiations under the auspices of the Secretary-General. Our view is that the present financial difficulties of UNFICYP should be solved as a matter of urgency along the lines proposed by the Secretary-General. The maintenance of the present status of UNFICYP remains essential. Any change would adversely affect the possibilities for a peaceful outcome of the Cyprus problem and would expose the country, with its limited military defence, to the threat of a powerful foreign occupation army. It might also be interpreted as a form of pressure on the party which has demonstrated the political good will to find a just and viable solution to the Cyprus problem and has shown its willingness for compromise and conciliation, as generally recognized and as reaffirmed in the most recent Security Council resolutions.

In sharp contrast with Turkey, the country which bears a large part of the responsibility for the circumstances which necessitated the establishment of UNFICYP and through the continuing presence of its 35,000-strong occupation army is responsible for the prolonged presence of the Force on the island, Cyprus, from the beginning, contributed substantially towards the costs of UNFICYP, both in monetary and in material terms, despite the tremendous upheaval and the catastrophic consequences brought about by the 1974 invasion. Moreover, in light of the current difficulties, my Government, as recently as last month, offered to meet on a continuing basis one third of the annual costs of UNFICYP (15.71 million dollars, on the basis of the Secretary-General's estimate of 47.13 million dollars) as a means of facilitating the objectives proposed in the above-mentioned report of the Secretary-General in the terms contained in document S/25647.

In the annex to the letter under reply there is a lame attempt to respond to our statement regarding the "ethnic cleansing" carried out by the Turkish armed forces in the wake of the 1974 invasion and the occupation of more than a third of the territory of the Republic of Cyprus. Sadly, the facts are indisputable on this very tragic aspect of the Cyprus problem. As my delegation stated in plenary meeting of the General Assembly on the situation in Bosnia and Herzegovina on 24 August 1992 "the unfortunate and indeed tragic fact is that the odious and abhorrent policy of ethnic cleansing is not a new phenomenon, nor did it originate in Bosnia. We in Cyprus have had a bitter experience in this regard. We have witnessed equally grave violations of international humanitarian law as attested to by the European Commission of Human Rights" and

quoted from a main editorial from the respected Financial Times newspaper, in its issue of 16 July 1992:

> "A State recognized by most other States and admitted to numerous international bodies is being dismembered. Frontiers are being redrawn by war. Large numbers of people are being forcibly driven from their homes, with widespread killing. Such actions would be intolerable at any time or place, but in many times and places have been tolerated. A particularly clear precedent was set in Cyprus in 1974. There, too, a neighbouring State, Turkey, intervened to protect a minority and used military force to secure an area for that minority's exclusive use, expelling from it all members of the majority community. There, too, the international community failed to take any effective action or reverse the process".

The same theme echoes through much more recent serious writings as by Jonathan Eyal in The Guardian on 12 April 1993 ("Ethnic cleansing duly followed in the aftermath of the Turkish invasion in 1974 ...") and by John Torode in The Independent on 2 April 1993 ("The dilemma is not new. In the spring of 1975, I stood at the United Nations checkpoint on the green line dividing Nicosia, the capital of Cyprus, awaiting the arrival of the final few hundred among 140,000 Greek Cypriot refugees. They had been 'ethnically cleansed' from towns and villages in the north in the months since mainland Turkey had seized one third of the island, ostensibly to provide a safe haven for the Turkish Cypriot minority"). This is not rhetoric. These are the facts as seen by serious independent observers, and they were of a nature that was sufficiently grave to justify the exercise of international criminal jurisdiction. Unfortunately a policy of double standards is nothing unusual for Turkey.

Much more can be said on this and other issues raised in the letter under reply but the Cyprus problem has often been debated in the United Nations. The issues are known and the relevant applicable and binding resolutions are clear.

However, as we have often said, my Government's firm policy has been and continues to be to cooperate fully and with good will with the Secretary-General and the Security Council in sincerely seeking a just and lasting solution to the tragic problem my country has been confronted by for too long. It is our hope that when the talks resume later this month Turkey will find it also to its benefit to play a constructive role. A just and viable solution, in accordance with the Charter principles and the United Nations resolutions, with a functional constitution and safeguards for the application of the universal norms of human rights, would be to the benefit of all the people of Cyprus and also to the benefit of all other States concerned, including Turkey, and for peace in our volatile region. It would also mark a well-deserved success for the United Nations after many years of persistent efforts.

I would be grateful if you would have the text of the present letter circulated as a document of the General Assembly, under agenda item 45, and of the Security Council.

(Signed) A. J. JACOVIDES
Ambassador
Permanent Representative of
the Republic of Cyprus
to the United Nations

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GENERAL ASSEMBLY
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Agenda item 143
THE SITUATION IN BOSNIA AND
HERZEGOVINA

SECURITY COUNCIL
Forty-eighth year

Letter dated 7 May 1993 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the Secretary-General

I have the honour to present to you the attached letter, dated 6 May 1993, from my President to you (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly, under agenda item 143, and of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador and Permanent Representative

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ANNEX

Letter dated 6 May 1993 from the President of the Presidency of Bosnia and Herzegovina to the Secretary-General

I have been trying unsuccessfully for several days to get the world's support to save the people of Žepa from the extermination. Your military observers were prevented from entering Žepa yesterday. The town was attacked from all sides and the slaughter of the civilian population is going on. At this moment, only an urgent action of the United Nations can prevent total catastrophe.

We expect you to do all you can in this regard.

(Signed) Alija IZETBEGOVIĆ
President of the
Presidency of the
Republic of Bosnia
and Herzegovina

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General Assembly Security Council

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S/25742
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ENGLISH
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GENERAL ASSEMBLY
Forty-eighth session
Item 46 of the preliminary list*
QUESTION OF THE FALKLAND ISLANDS (MALVINAS)

SECURITY COUNCIL
Forty-eighth year

Letter dated 7 May 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith the text of the statement issued by the Government of the Argentine Republic on 7 May 1993 concerning the unilateral act whereby the United Kingdom of Great Britain and Northern Ireland seeks to extend its maritime jurisdiction in the waters adjacent to the South Georgia and South Sandwich Islands (see annex).

I should be grateful if you could have this note and its annex circulated as an official document of the General Assembly, under item 46 of the preliminary list, and of the Security Council, and brought to the attention of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

(Signed) Raul A. RICARDES
Ambassador
Chargé d'affaires a.i.

* A/48/50.

ANNEX

Statement dated 7 May 1993 by the Government of the Argentine Republic

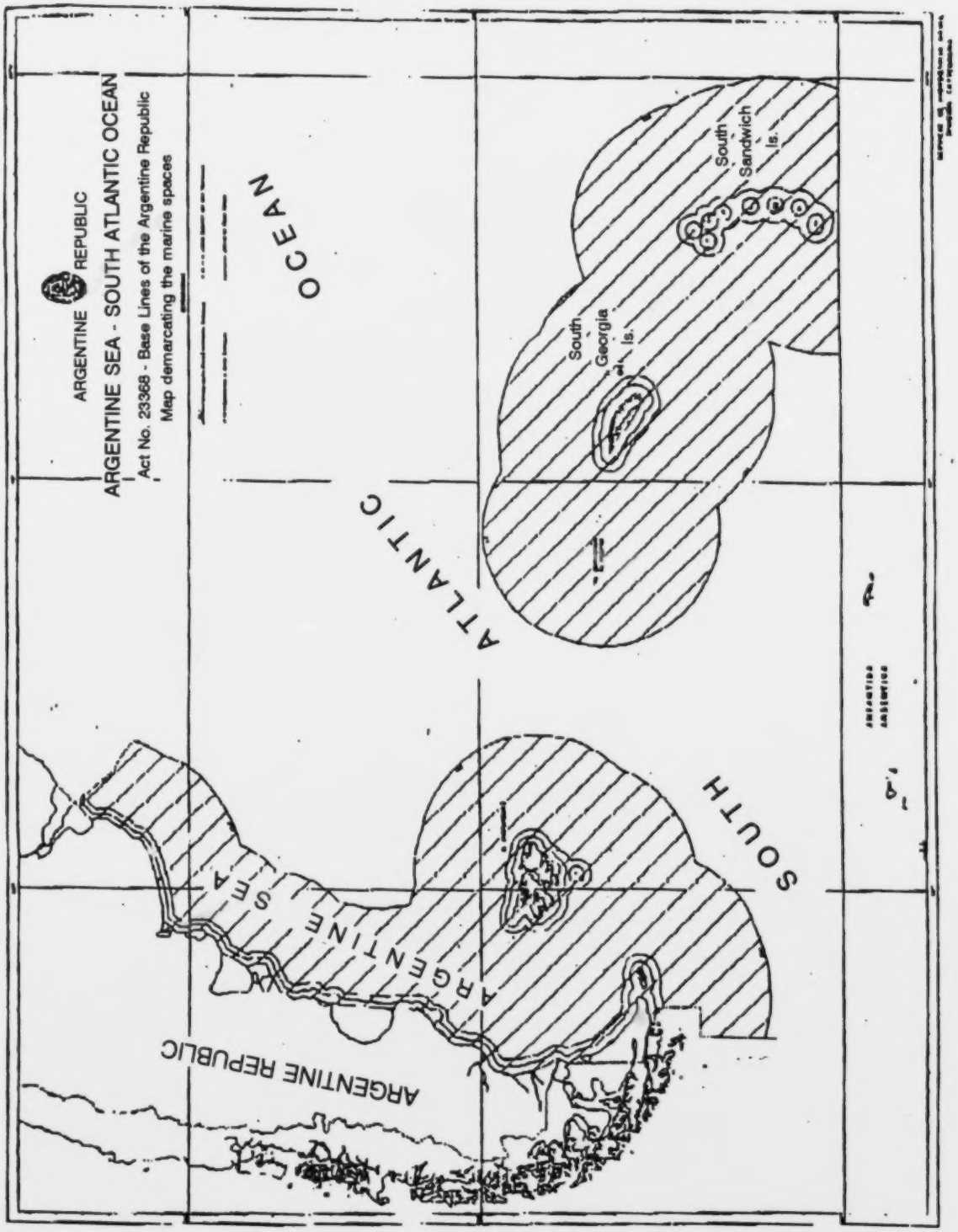
Today, the Government of the United Kingdom adopted a measure extending its alleged jurisdiction in respect of maritime spaces surrounding the South Georgia and South Sandwich Islands.

The Argentine Government strongly rejects this measure, reaffirms the legitimate rights of sovereignty of the Argentine Republic over the South Georgia and South Sandwich Islands and recalls that these territories form part of the dispute concerning sovereignty which the United Nations recognizes and is keeping under consideration.

In this context, an official note of rejection and protest has been delivered to the Embassy of the United Kingdom in Buenos Aires, and the Embassy of the Argentine Republic in London has been instructed to take the same steps vis-à-vis the British Government. In addition, the text of this declaration will be transmitted to the Secretary-General of the United Nations and to the Secretary-General of the Organization of American States with a request that it be circulated as an official document of those organizations.

It should be recalled that more than 20 years have elapsed since the Argentine Republic extended its jurisdiction and sovereignty over the maritime spaces adjacent to Argentine territory, including these islands, in accordance with international law. Act No. 17,094 of 29 December 1966 provided for the extension of these rights to 200 nautical miles and for sovereignty over the continental shelf.

Subsequently, the scope of the jurisdiction and sovereignty of Argentina over these spaces, including the South Georgia and South Sandwich Islands, was specified in Act No. 23,968 on maritime spaces, promulgated on 10 September 1991. The scope of that legislation may be seen from the attached map.


ARGENTINE REPUBLIC
ARGENTINE SEA - SOUTH ATLANTIC OCEAN
Act No. 23368 - Base Lines of the Argentine Republic
Map demarcating the marine spaces
OCEAN
ATLANTIC
South Sandwich Is.
South Georgia Is.
SOUTH
ARGENTINE SEA
ARGENTINE REPUBLIC